IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 32722 of 2006(U)

PETITIONER:

EACHAPULLY MOHAMMED KUTTY, 70 YEARS,
S/O.MOHAMMED UNNI, AVUNDITHARA,
P.O.KANHIRAMUKKU, MARANCHERRY,
PONNANI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

1.THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, LOCAL SELF GOVERNMENT,
GOVERNMENT OF KFERALA, THIRUVANANTHAPURAM.

2.THE DISTRICT COLLECTOR,
MALAPPURAM.

3.K.P. ALI, PRESIDENT,
NOORUL HUDA MASJID COMMITTEE,
AVUNDITHARA, P.O. KANHIRAMUKKU,
MARANCHERRY, PONNANI TALUK, MALAPPURAM DISTRICT.

4.KATTIL SYED, S/O. MOHAMMED,
SECRETARY, NOORUL HUDA MASJID COMMITTEE,
AVUNDITHARA, KANHIRAMUKKU P.O.,
MARANCHERY, PONNAI TALUK, MALAPPURAM DISTRICT.

R1-R2 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL
R3-R4 BY ADV. SRI.T.KRISHNAN UNNI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.32722 of 2006

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Dated: 19th January, 2007

JUDGMENT

Even though several grounds have been raised in the Writ Petition, I am of the view that it is not necessary that this court consider all those grounds at this stage. But a reading of Ext.P5 will show that the said order is passed without hearing the petitioner. On that ground alone, Ext.P5 is liable to be quashed. Accordingly, Ext.P5 will stand quashed and the Government is directed to hear the petitioner and all other concerned parties on Ext.P4 appeal and dispose of the same in accordance with law. It is made clear that this court has not expressed any opinion as to whether there was any delay or as to whether the appeal is liable to be rejected on the ground of delay. Fresh orders as directed above will be passed by the Government within three months of receiving a copy of this judgment. In view of the above order, the learned Subordinate Judge, Tirur will not finally dispose of the appeal A.S.No.65 of 1997 for a period of five months from today.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**